IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16887 of 2004

For Approval and Signature:

HONOURABLE MR. JUSTICE B.J.SHETHNA
HONOURABLE MR.JUSTICE H.B.ANTANI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ANUJKUMAR C.RAMNANDI - Petitioner(s)
Versus
UNION OF INDIA & 4 - Respondent(s)

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Appearance :
MR TULSHI R SAVANI for Petitioner(s) : 1,
MS DR KACHHAVAH for Respondent(s) : 1 - 5.

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CORAM : HONOURABLE MR. JUSTICE B.J.SHETHNA

and

HONOURABLE MR.JUSTICE H.B.ANTANI

Date : 30/11/2006

ORAL JUDGMENT

(Per : HONOURABLE MR. JUSTICE B.J.SHETHNA)

Heard learned Counsel Shri Savani for the petitioner and Ms. Kachchhava for the respondent.

Petitioner is the son of Shri C.J.Ramanandi, who died while working as Mail Over-sealer on 22.11.2000. On his death the son of the petitioner has applied for appointment on compassionate ground on 1.11.2001 (Annexure : B). The same was not replied, therefore, repeated representations were made. The last representation was dated 1.9.2004 (Annexure : C). The same was replied for the first time by the Senior Superintendent, Post Office, Bhavnagar in September, 2004 (Annexure : D) stating that his case was considered by the Circle Selection Committee, Ahmedabad, which has not recommended his case for appointment on compassionate ground and rejected his request for appointment. Hence, this petition.

Notice of Rule was served to the respondent long back, but no reply was filed so far. Hence, in absence of reply Affidavit the matter is required to be decided. It is unfortunate that though the request was made in November, 2001, the same was not considered and replied till September, 2004. It was done only after repeated representations. What is waived with the Circle Selection Committee, Ahmedabad for rejecting the Application of the petitioner for appointment on compassionate ground is not at all stated in the order. It is a non-speaking order, hence the same requires to be quashed and set aside.

In view of the above discussion, this petition is allowed to the extent that the respondent – Authority is directed to reconsider the case of the

petitioner for appointment on compassionate ground and decide the same as early as possible, preferably within three months from the receipt of the copy of the order by a brief reasoned order.

Rule made absolute to this extent only with no order as to costs.

(B.J.SHETHNA,J.)

(H.B.ANTANI, J.)

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